

Testimony in Opposition of Raised Bill No. 5455: An Act Concerning the Issuance of Municipal Soft-Serve Ice Cream Vendor Permits
To the Distinguished Co-Chairs and Members of the Planning and Development Committee
March 7, 2014

My name is Karen Spargo, Director of the Naugatuck Valley Health District (representing the towns of Ansonia, Beacon Falls, Derby, Naugatuck, Seymour and Shelton), member of the Executive Board of the Connecticut Association of Directors of Health (CADH), and Member of CADH's Advocacy Committee. I am writing on behalf of CADH to express its **strong opposition** to House Bill 5455, An Act Concerning the Issuance of Municipal Soft-Serve Ice Cream Vendor Permits. CADH's concerns are three-fold:

- ***The bill language is ambiguous.***
 - The bill requires a "municipality" to grant or deny a permit. In Connecticut, some municipalities have a municipal health authority, but many municipalities belong to a district department of health (the Naugatuck Valley Health District is an example). The bill has the unintended consequence of requiring such municipalities to handle permits when they have no mechanism to do so; normally the district department of health does it.
 - The bill is ambiguous in its discussion of "permits." There is no such thing as "a permit for the sale of frozen desserts from a truck." Permits vary by the issuing local department of health but could include temporary event permits, seasonal vendor permits, or year-round vendor permits. Moreover, a police department may require a peddler permit. This bill has the unintended consequence of potentially creating a new class of permits.
- ***The bill does not address any possible existing constituent concerns.***
 - Virtually all health departments already issue any relevant permit within the time frame specified in the bill. For example, a temporary event permit is usually issued by a health department within 5 business days, and health departments typically will work to accommodate a requesting vendor with a tight timeframe.
 - For example, William Giannos, who testified before the General Law Committee on February 7, 2013 on a similar bill, stated that he would not have enough time to get permits for certain events. In the summer of 2012, when he went to Naugatuck High School to distribute ice cream, he never even went to the local health department to seek a permit. If he had, he would have received one in a timely fashion. Instead a decision on his appeal of the Naugatuck Valley Health District's cease and desist order, issued since Mr. Giannos was operating without a permit, ruled in favor of the health district.
- ***The testimony submitted by William Giannos before the General Law Committee on February 7, 2013 raises some broader concerns.*** In it, he argues that soft-serve ice cream trucks should not have to obtain permits from a local health department at all. Such a step would pose significant and unacceptable risks to the public of contracting foodborne illness.

- In the case of an outbreak or foodborne illness, a permit would provide the investigating local health department with a critical record of who was doing business in the area.
- Frequent investigation of ice cream trucks is crucial, as without proper daily sanitation of soft-serve equipment, bacteria grow readily, which can contaminate food products being served.
- Soft-serve ice cream trucks do not manufacture food; they prepare and serve it on site, and accordingly, must be subject to regular inspection to ensure proper food handling.
- Itinerant soft serve ice cream vendors are not the only establishments that need approval from both the Department of Consumer Protection (DCP) and local health departments. Any food "processor" or food "manufacturer" that chooses to expand services beyond the scope of DCP oversight, and engage in the preparation and service of ready to eat foods for individual service must comply with Connecticut Public Health Code provisions. Another obvious example is bakeries.

We welcome the opportunity to meet with you to discuss further how best to ensure that, moving forward, the public's health is not compromised as a result of House Bill 5455. Thank you for your partnership and consideration.

CADH is a nonprofit organization comprised of Directors of Health from each of Connecticut's 74 local health departments. Local health directors serve as the statutory agents of the Commissioner of Public Health and ensure the provision of essential public health services at the local level in Connecticut. We work in concert with school administrators, health care providers, community and business partners to ensure the health of Connecticut residents and visitors.